

In 1992, the PTC was temporarily established to promote development of renewable energy—electricity, particularly. This was for the then-fledgling wind power industry.

Congress gave energy producers a lengthy 7-year window to take advantage of and prepare for the eventual expiration of this tax credit in 1999. But as we know, here in Washington, very few of these programs are temporary. So here we are 15 years later, and the PTC is still hanging around.

Since its inception, this credit has been extended eight times. Having expired on January 1 of this year, there is now another effort afoot to resurrect what can only be described as a zombie credit. Do we really need a ninth extension? Wouldn't it be more intellectually honest to decide, if this government's policy is worth it, to simply permanently renew? Yet we go through this exercise year after year.

Last month there was a glimmer of hope that common sense would prevail. The tax extender package put forward by Senator WYDEN and Ranking Member HATCH excluded the PTC—allowing the credit to finally expire so it wouldn't have been part of this package. However, it didn't take long for those who benefit from this government subsidy to activate the rallying cry.

A few short days later, the PTC was back in the package to provide the wind industry 2 additional years, until the end of 2015, to start construction on projects that would be eligible for the subsidy.

According to the Joint Committee on Taxation, this short extension would cost more than \$13 billion over the next 10 years. But this isn't a true cost. Wind producers get to claim the credit for 10 years, beginning on the date of first production, as opposed to the start of construction.

In reality, the Federal Government's financial commitment extends well beyond the 10-year period considered in the JTC's initial estimate. The government will still likely be passing out these credits in 2027 and beyond.

That is a long commitment for a technology that former Energy Secretary Steven Chu said was mature in 2009. In fact, he projected that wind would be cost competitive with other forms of energy without subsidies by the end of this decade.

Wind power generation is no longer an infant industry. It is no longer in need of Federal support. By the end of last year, more than 61,000 megawatts of wind power capacity had been installed around the U.S., which is 15 times the amount that existed in 2001. In 2012, wind power was the top source of new generating capacity, beating out additional capacity from natural gas. The PTC is, in fact, so generous that at times it is more valuable than the wholesale price of electricity. That is a whopper of a subsidy. According to the Congressional Research Service, as a result of government subsidies, there

are times when wind producers actually pay the market to take their power.

Recently, some of my colleagues who support this tax credit have pointed to the growing share of wind power generation in the U.S. and more than 550 wind-related manufacturing facilities around the country which will supply tens of thousands of jobs.

Rather than depicting an infant industry, these advances describe an industry that should be ready to stand on its own two feet.

We all know the U.S. has a \$17.5 trillion debt. All subsidies like this need to be eliminated.

The production tax credit distorts the market by having the government favor one source of energy over another. An ideal energy market is one largely absent of the government's convoluted tax policies. Simply put, no industry's success should be predicated on congressional action.

Instead of extending an energy subsidy that picks winners and losers and creates market inefficiencies, Congress should eliminate the PTC and support an energy policy that encourages entrepreneurs to satisfy demand by providing consumers with alternative sources of energy.

This law has run its course. The PTC should meet its long overdue end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am very disappointed at the actions of the Senate this evening: that we were not able to come together after all of the work and all of the support from groups across this country for energy efficiency legislation; that we cannot bridge our differences and get this bill done, despite the broad bipartisan support, despite the support of organizations from the U.S. Chamber of Commerce to the National Association of Manufacturers to the NRDC environmental groups to the painters union. We had groups across the political spectrum supporting this legislation—the Alliance to Save Energy, which was really the brain child behind this legislation. Yet we were not able to come together to support a bill that would have made progress on the jobs front, progress on savings for consumers, and progress on preventing pollution.

I thank Senator LANDRIEU, who has chaired the Energy and Natural Resources Committee, and Senator BOXER, chair of the Environment and Public Works Committee, for their kind words about this legislation this evening. I also thank my partner, who worked as hard on this bill as I did, Senator ROB PORTMAN from Ohio, and the good work of both his staff and my staff in trying to move this efficiency agenda forward.

Unfortunately, we saw tonight that differences in this body have prevented positive progress. The reason that is so unfortunate is because energy efficiency is the cheapest, fastest, cleanest

way to address this country's energy demand, because energy that we don't use is energy that we don't have to produce. And efficiency saves money, lessens our dependence on imported energy, decreases pollution, and improves our Nation's global competitiveness.

In addition, energy efficiency investments enable domestic businesses to leverage private capital, to reduce business risks associated with price volatility, to spur economic growth, and to create jobs. All of those are part of this Energy Savings and Industrial Competitiveness Act that Senator PORTMAN and I cosponsored along with a great group of bipartisan sponsors from this body. One of the aspects I like about energy efficiency is that it doesn't matter whether one supports fossil fuels or whether one supports alternative sources of energy; everyone benefits from energy efficiency. In the last 40 years we have saved more through energy efficiency in this country than we have produced through fossil fuels and nuclear power combined. So there is huge potential benefit in energy efficiency, and it is important for us to figure out a way to move this legislation forward.

In the last 3½ years I have visited businesses across New Hampshire—small retail businesses, manufacturing companies, ski areas, apartment complexes, municipal buildings. Today I was at the opening of a new expansion of Airmar Technologies in New Hampshire, a beautiful new facility. They make sensors that go in everything from ships to weather instruments to detect weather. They were very proud that in constructing the new building they made it energy efficient. This is a win-win-win. According to the American Council for an Energy-Efficient Economy, if we pass this bill this year by 2030 we will help create 192,000 jobs, we will save consumers \$16.2 billion a year, and it will be the equivalent of taking 22 million cars off the road, all because we are saving energy.

We ought to all be able to come together behind this. I am not going to quit. I don't think the sponsors of this legislation are going to quit. All of those 260-plus businesses, organizations out there that have been advocating for this bill, are not going to quit because this is legislation that makes sense. It makes sense for job creation, it makes sense for saving on pollution, it makes sense for saving money, it makes sense to our national competitiveness, and we are going to keep at it until we pass this legislation.

I hope politics will stay out of the way; that we will come together, we will agree on amendments we can all vote on, and that we will be able to move forward in a positive way.

I thank the Presiding Officer. I yield the floor.

ENERGY SAVINGS

Mr. LEVIN. Mr. President, I am disappointed today that we were unable to

move forward on the Energy Savings and Industrial Competitiveness Act of 2014, S. 2262. This legislation, also referred to as the energy efficiency bill, had substantial public support and included several strong bipartisan compromises. It is a pretty sad state of affairs that we were unable to garner the 60 votes necessary to overcome a filibuster of S. 2262. Not moving forward on this bill is irresponsible and inhibits our economy's growth.

Through a deficit neutral framework, the energy efficiency bill would have provided several low-cost tools to promote the adoption of energy efficient technologies. It supported the use of such technologies in residential and commercial buildings, encouraged stronger coordination between the private sector and the Federal Government through the research, development and commercialization of energy efficient technologies, and required that the nation's largest consumer of energy, the Federal Government, implement energy-saving techniques.

This legislation would have been good for Michigan and the Nation. Michigan is the epicenter of America's manufacturing sector and has the potential to help spearhead the development of energy efficient technologies. With a highly skilled workforce and a robust base of manufacturers specializing in energy efficient products, Michigan is well-positioned to meet the demands of an evolving energy efficient economy. This bill could have provided job creation opportunities for energy efficiency contractors, manufacturers, and service companies.

A comprehensive energy policy must balance the demands of providing affordable and reliable energy with environmental protection. Energy efficiency is one of the most successful tools that will allow us to achieve that balance. Using less energy not only reduces harmful emissions, but also helps us to reduce our dependence on foreign oil, and enhance our energy security. This bill had the potential to create jobs, increase our country's productivity, and incentivize industry to innovate and develop competitive technologies that strengthen our economy.

The Senate has not voted on energy legislation since 2007 and it is unfortunate that we have squandered another opportunity to help advance our nation's economy and increase our energy security. This was commonsense legislation that not only made economic sense for the American public, but strong environmental sense.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection.

TRIBUTE TO BILLY FRANK, JR.

Mrs. MURRAY. Mr. President, I come to the floor this evening, along with my colleague Senator CANTWELL, to talk about a truly remarkable man from our own State of Washington whom we just lost last week.

Billy Frank, Jr., was many things to many different people. To his family he was a loving husband and father, to the dozens of Native American tribes in Washington State he was a hero and a champion for hard-fought treaty rights, and to millions across our State, Billy Frank, Jr., was a marine who represented what the best of America is all about, fighting for what you believe in and never, ever giving up.

I was back in Washington State yesterday for Billy's memorial service, and looking around at all the people there whose lives he had touched, I was reminded of what made Billy so special. Billy was the type of person who defined the term "larger than life." He was the type of person who had so much personality and so much ability and so much passion and love in his heart that it was very hard to believe it could all be contained in just one person.

When Billy believed in something, he didn't just make his argument, he held a fish-in. He built a movement. He did raise his voice just to be heard, he banged down the doors in Olympia and here in Washington, DC, until he got what he needed. Most of all, he never flinched in the face of opposition, and he faced plenty of it, from hate and discrimination to being arrested and abused. Over a lifetime that took him from the banks of the Nisqually River to the steps of the U.S. Supreme Court, Billy made sure the rights of Native Americans were protected and honored by the United States of America. He led the fight to ensure tribal rights to Native lands and salmon harvest could never be stolen away and over time he became much more than an advocate. He became in many ways a face of so many Native American communities across this country.

Now as we grieve and try to think about how to move forward without this larger-than-life man, I am reminded that while we have lost Billy, so much of his life's work truly remains with us because all he accomplished and all he achieved, whether it was power and influence or court decisions and new laws, it was never about him. It was always about his community, his tribe, and protecting treaty rights for all Native Americans. Billy was someone who did so much and worked so hard not so he could gain power or wealth but so the people, the land, and the fish he cared so much for would never be brushed aside or forgotten. That is a rare thing.

Billy's life wasn't a job for one man or one woman, but somehow he pulled it off by himself. So now it is going to take everyone who knew him to fill his shoes together and fight with the tribes that call Washington State home.

I wish to conclude by quoting something Billy once said:

I don't believe in magic. I believe in the sun and the stars, the water, the tides, the floods, the owls, the hawks flying, the river

running, the wind talking. They are measurements. They tell us how healthy things are. They tell us because we and they are the same, and that is what I believe in. Those who listen to the world that sustains them can hear the message brought forth by the salmon.

That is Billy and we will miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I am glad to join my colleague, the senior Senator, to commemorate a great Washingtonian whom we lost last week, Billy Frank, Jr.

Senator MURRAY and I were able to attend his memorial service yesterday in the South Puget Sound area with 6,000 other Washingtonians. That is what happens when a great leader is lost; a community shows up to commemorate him and his spirit. Everybody who knew Billy Frank across the United States of America—and there are many people from all over Indian Country who do know or knew of Billy Frank—will want us to remember he was a legend who walked among us because what he did was champion environmental rights and the rights of Native American people to fish and in some ways championed the salmon to make sure we had good habitat.

Sometimes I wonder how a boy from the Nisqually River turned into being such a big Northwest Pacific hero, but for him, he started when he was a very young man listening to fishing stories of his father and many members of the Nisqually tribe. In a book about his life, his father Willie Frank, Sr., recalled a warden telling him, "Your treaty isn't worth the paper it's printed on."

So while Billy's family faced beatings and incarcerations and explicit and inexplicit racism, he decided he was going to defend those rights all the way to the Supreme Court. As he grew into an adolescent, his father said to him: Keep fishing even if they arrest you. Keep fishing even if they beat you. Keep fishing even if they say the fishing claims aren't yours and they challenge them. Keep fishing. Because he knew those fishing claims were promised in the Medicine Creek Treaty.

So Billy was arrested more than 50 times in this struggle to secure the rights that were guaranteed to him by this government in a treaty. In fact, also in that book, he once was jailed and was asked by some of the people in jail—he called them bank robbers—what was he in for, and Billy just said, "Fishing."

So he took the beatings, and instead of turning all that into anger, he urged people to work in a nonviolent way, to stand for what they thought were important issues.

He had a great sense of humor. He once said:

If a salmon gets away from you, don't cuss. Don't say anything. That salmon, he's going upriver. He's producing more salmon for you and for all of us. The salmon—he's coming home. And we have to take care of his home.

That is the vision that helped Billy win one of the greatest victories the tribes in the United States of America has ever seen. In a landmark decision, they abolished the regulations of discrimination against the Indian fishermen and allowed the tribe to self-regulate, comanage, and have the opportunity to catch up to half the harvestable catch.

We just celebrated the 40th anniversary of that historic Boldt decision, and yesterday we had a chance to pay tribute to a man who played a critical role in that decision. But as my colleague Senator MURRAY said, Billy Frank did more than just fight for that decision. He continued to focus on restoration of Puget Sound, including the Nisqually Delta Restoration, one of the largest tidal marsh restorations in the Pacific Northwest. This project has increased the potential for salt marsh habitat in the southern reach of Puget Sound by over 50 percent.

Because of his advocacy we have a program now called the Puget Sound Partnership, which is a public-private tribal partnership trying to improve the health of Puget Sound, and he is the reason we have an agreement called the Timber, Fish, and Wildlife Agreement, which is a model for how people around the United States of America should try to resolve some of their differences on environmental issues instead of suing and going to court forever and ever and never having any kind of resolution. This kind of collaboration helped people address the environmental issues at hand.

So all of these things are things Billy Frank accomplished. As my colleague Senator MURRAY said, it was almost as though he was larger than life and did a job that could have, should have been for many people, but instead he just did it in his own way.

We will miss him, but we are thankful for all he did and for the people in the Northwest Fishing Commission for all they have done to help us in the Northwest set the right course. While he will not be there in person, we know Billy Frank will always be with us and with the salmon of the Pacific Northwest. We will miss him.

I thank the Chair and I yield the floor.

EXECUTIVE SESSION

NOMINATION OF STEVEN PAUL LOGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider Calendar No. 664.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The legislative clerk read the nomination of Steven Paul Logan, of Arizona, to be United States District for the District of Arizona.

CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Cory A. Booker, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN JOSEPH TUCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 665.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

CLOTURE MOTION

Mr. REID. Mr. President, I ask the Chair to order the reading of the cloture motion, which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons,

Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Cory A. Booker, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF DIANE J. HUMETWEA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. I move to proceed to executive session to consider Calendar No. 666.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona.

CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Cory A. Booker, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.